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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,393	01/31/2001	Joseph L. Torres	00-P-24787	3083

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EXAMINER


NAJARIAN, LENA

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No. 09/774,393	Applicant(s) TORRES ET AL.	
	Examiner Lena Najarian	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) 1-9, 20-42, and 55-60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-19 and 43-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20010516</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group II (claims 10-19 and 43-54) in the reply filed on January 6, 2005 is acknowledged.
2. Claims 1-9, 20-42, and 55-60 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 6, 2005.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: item 90' (page 20, line 19), item 36' (page 21, line 28), item 64' (page 17, line 26), and item 64 (page 16, line 21). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Art Unit: 3626

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: items 140 & 150 of Fig. 9 and item 8' of Fig. 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 43-47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 43 recites the limitation "the prepaid healthcare service program" in lines 11-12 & 17-18. There is insufficient antecedent basis for this limitation in the claim.

8. Claims 44-47 incorporate the deficiencies of claim 43, through dependency, and are also rejected.

Claim Rejections - 35 USC § 101

9. Claims 10-15 and 43-54 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

(A) In the present case, claims 10-15 only recite an abstract idea. The recited steps of exemplary claim 10 of merely establishing a plurality of prepaid healthcare patient identifiers and a network of physicians and having the patient pre-select a number of prepaid healthcare consultations does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention produces a plurality of prepaid healthcare patient identifiers associated with one patient and having a preselected number of prepaid healthcare consultations. Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claim 10 is deemed to be directed to non-statutory subject matter.

(B) In the present case, claims 43-47 only recite an abstract idea. The recited steps of exemplary claim 43 of merely distributing a plurality of prepaid healthcare patient identifiers to a plurality of patients does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention produces a plurality of prepaid healthcare consultations to the plurality of members enrolled in the prepaid healthcare service program. Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claim 43 is deemed to be directed to non-statutory subject matter.

(C) In the present case, claims 48-50 only recite an abstract idea. The recited steps of exemplary claim 48 of merely distributing a plurality of prepaid healthcare patient identifiers having a plurality of prepaid healthcare consultations does not apply, involve,

use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention produces a plurality of prepaid healthcare patient identifiers. Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claim 48 is deemed to be directed to non-statutory subject matter.

(D) In the present case, claims 51-54 only recite an abstract idea. The recited steps of exemplary claim 51 of merely purchasing at least one prepaid healthcare patient identifier and distributing the at least one prepaid healthcare identifier does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention produces at least one prepaid healthcare patient identifier having a preselected number of prepaid healthcare consultations associated with it. Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claim 51 is deemed to be directed to non-statutory subject matter.

Art Unit: 3626

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 10-11, 43-44, 48-49, and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Conklin ("Debit-Card Style Health Services Coming to Town Prepaid Medical Services Offered In State by Columbia Chiropractic").

(A) Referring to claim 10, Conklin discloses a prepaid healthcare service system comprising:

a plurality of prepaid healthcare patient identifiers positioned to identify information associated with one of a plurality of patients, each one of the plurality of prepaid healthcare patient identifiers associated with one patient and having a preselected number of prepaid healthcare consultations associated therewith (para. 3 of Conklin; the Examiner interprets "card" to be a form of "identifier" and "prepays for a certain number of chiropractic visits" to be a form of "having a preselected number of prepaid healthcare consultations"); and

a network of physicians comprising a plurality of physicians accepting the plurality of prepaid healthcare patient identifiers as recognition that each of the prepaid healthcare patient identifiers includes a preselected number of prepaid healthcare consultations associated therewith taking place between one of the plurality of patients and one of the plurality of physicians in the network of physicians (para. 3 of Conklin; the Examiner interprets "participating doctors" to be a form of "network of physicians").

Art Unit: 3626

(B) Referring to claim 11, Conklin discloses further comprising patient identifier reading means positioned at a location of each of the plurality of physicians in the network of physicians for reading the prepaid healthcare patient identifiers to thereby identify each one of the plurality of patients as being associated with the plurality of physicians in the network of physicians providing a preselected number of prepaid healthcare consultations to each one of the plurality of patients (para. 3 of Conklin).

(C) Referring to claim 43, Conklin discloses a method of providing a prepaid healthcare service system, the method comprising the steps of:

distributing a plurality of prepaid healthcare patient identifiers to a plurality of patients, each of the plurality of prepaid healthcare patient identifiers identifying information associated with each of the plurality of patients and also identifying a plurality of prepaid healthcare consultations between each of the plurality of patients and a plurality of physicians in a network of physicians, the plurality of patients thereby defining a plurality of members enrolled in the prepaid healthcare service program (para. 2, para. 3, and para. 6 of Conklin; the Examiner interprets “sell the cards” to be a form of “distributing a plurality of prepaid healthcare patient identifiers” and “Columbine Chiropractic Plan” to be a form of “healthcare service program”); and

identifying at least one of the plurality of physician in the network of physicians to provide at least one of the plurality of prepaid healthcare consultations to at least one of the plurality of members enrolled in the prepaid healthcare service program (para. 3 of Conklin).

(D) Referring to claim 44, Conklin discloses further comprising the step of reading each one of the plurality of prepaid healthcare patient identifiers using a patient identifier reader positioned at a location of each one of the plurality of physicians in the network of physicians (para. 3 of Conklin).

(E) Referring to claim 48, Conklin discloses a method of selling a plurality of prepaid healthcare consultations, the method comprising the steps of:

distributing a first plurality of prepaid healthcare patient identifiers having a plurality of prepaid healthcare consultations associated therewith from a first individual physician in a network of physicians to a first plurality of physicians in the network of physicians and a first plurality of patients; and

distributing a second plurality of prepaid healthcare patient identifiers having a plurality of prepaid healthcare consultations associated therewith from the first plurality of physicians to a second plurality of physicians in the network of physicians and a second plurality of patients, the first and second plurality of patients defining members in a prepaid healthcare service system (para. 2, para. 3, and para. 6 of Conklin; the Examiner interprets “sell the cards” to be a form of “distributing a plurality of prepaid healthcare patient identifiers” and “Columbine Chiropractic Plan” to be a form of “healthcare service program”).

(F) Referring to claim 49, Conklin discloses further comprising the step of selecting at least one physician from the network of physicians for providing at least one of the plurality of prepaid healthcare consultations to at least one of the plurality of members in the prepaid healthcare service system (para. 3 and para. 8; the Examiner interprets “get

Art Unit: 3626

referrals to see specialists” to be a form of “selecting at least one physician” and “HMO” to be a form of “network of physicians”).

(G) Referring to claim 51, Conklin discloses a method of providing a plurality of prepaid healthcare consultations, the method comprising the steps of:

purchasing at least one prepaid healthcare patient identifier having a preselected number of prepaid healthcare consultations associated therewith from a healthcare provider; and

distributing the at least one prepaid healthcare patient identifiers to a plurality of patients (para. 3 and para. 6 of Conklin; the Examiner interprets “prepays” to be a form of “purchasing” and “sell the cards” to be a form of “distributing at least one prepaid healthcare patient identifiers”).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin (“Debit-Card Style Health Services Coming to Town Prepaid Medical Services Offered In State by Columbia Chiropractic”) as applied to claims 10-11 above and in view of Ushikubo (4,767,917).

(A) Referring to claim 12, Conklin discloses wherein each of the plurality of prepaid healthcare patient identifiers further comprises a card and identifies a medical network associated with the plurality of physicians in the network of physicians (para. 3 of Conklin; the Examiner interprets “participating doctors” to be a form of “network of physicians”).

Conklin does not disclose the card having a flexible body and having indicia positioned on a surface portion of the flexible body.

Ushikubo discloses a card having a flexible body and having indicia positioned on a surface portion of the flexible body (col. 1, lines 50-55 and col. 2, lines 5-8 of Ushikubo; the Examiner interprets “mark” to be a form of “indicia” and “plastic” to be a form of “flexible”).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Ushikubo within Conklin. The motivation for doing so would have been to prevent dishonest acts (col. 1, lines 48-55 of Ushikubo) and to provide a durable card that can be used over a long period of time (col. 2, lines 5-8 of Ushikubo).

(B) Referring to claim 13, Conklin discloses further comprising tracking means positioned on the surface of the body of the card for tracking the preselected number of prepaid healthcare consultations associated with each of the plurality of prepaid healthcare patient identifiers (para. 3 of Conklin; the Examiner interprets “one unit is deducted” to be a form of “tracking”).

14. Claims 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin ("Debit-Card Style Health Services Coming to Town Prepaid Medical Services Offered In State by Columbia Chiropractic") in view of Ushikubo (4,767,917), as applied to claims 10-13 above, and further in view of Dorf (6,000,608).

(A) Referring to claim 14, Conklin and Ushikubo do not disclose further comprising updating means positioned on the surface of the body of the card for updating information regarding each of the plurality of patients and each of the plurality of physicians in the network of physicians.

Dorf discloses updating means positioned on the surface of the body of the card for updating information (col. 10, lines 16-32 of Dorf).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Dorf within Conklin and Ushikubo. The motivation for doing so would have been to allow the forwarding of new medical information (col. 10, lines 26-32 of Dorf).

(B) Referring to claim 15, Conklin teaches the use of debit card technology, but does not disclose distributing means for distributing the plurality of prepaid healthcare patient identifiers (reads on "debit cards") to the plurality of patients.

Ushikubo discloses a distributing means for distributing cards (col. 1, lines 62-65 of Ushikubo; the Examiner interprets "dispensing" to be a form of "distributing").

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Ushikubo within Conklin. The motivation for

Art Unit: 3626

doing so would have been to automatically dispense the cards (col. 1, lines 62-65 of Ushikubo).

(C) Referring to claim 16, Conklin does not disclose wherein the distributing means further comprises a distribution device having an outer surface portion and positioned in a public location comprising the plurality of prepaid healthcare patient identifiers positioned therein, and further comprising purchasing means positioned adjacent the outer surface for purchasing the plurality of prepaid healthcare patient identifiers.

Ushikubo discloses wherein the distributing means further comprises a distribution device having an outer surface portion and comprising the plurality of cards positioned therein, and further comprising purchasing means positioned adjacent the outer surface for purchasing the plurality of cards (col. 1, lines 62-65 and col. 2, lines 17-29 of Ushikubo; the Examiner interprets "automatic vending machine" to be a form of "distribution device").

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Ushikubo within Conklin. The motivation for doing so would have been to provide a machine for automatic purchasing and dispensing of the cards (col. 1, lines 62-65 of Ushikubo).

Ushikubo teaches having vending machines accessible throughout the country (col. 1, lines 66-68 of Ushikubo).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Ushikubo within Conklin. The motivation for

Art Unit: 3626

doing so would have been to have vending machines positioned in public locations for the purpose of establishing as large a customer base as possible.

(D) Referring to claim 17, Conklin does not disclose wherein the purchasing means further comprises a payment device that accepts a predetermined payment for each of the plurality of prepaid healthcare patient identifiers, and wherein upon recognition of the payment, the distribution device dispenses one of the plurality of prepaid healthcare patient identifiers.

Ushikubo discloses wherein the purchasing means further comprises a payment device that accepts a predetermined payment for each of the plurality of cards, and wherein upon recognition of the payment, the distribution device dispenses one of the plurality of cards (col. 1, lines 62-65 of Ushikubo).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Ushikubo within Conklin. The motivation for doing so would have been to automatically dispense and issue the cards (col. 1, lines 62-67 of Ushikubo).

(E) Referring to claim 18, Conklin and Ushikubo do not disclose activating means for activating each of the plurality of prepaid healthcare patient identifiers dispensed from the distribution device.

Dorf discloses activating means for activating each of the plurality of prepaid cards (col. 1, line 66 – col. 2, line 11 of Dorf).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Dorf within Conklin and Ushikubo. The

Art Unit: 3626

motivation for doing so would have been to set the value of the card at the time of sale (col. 2, lines 4-9 of Dorf).

(F) Referring to claim 19, Conklin and Ushikubo do not disclose wherein the activating means further comprises a telephone, wherein one of the plurality of patients that purchases one of the plurality of prepaid healthcare patient identifiers uses the telephone to contact a healthcare representative, and wherein the healthcare representative activates the prepaid healthcare patient identifier.

Dorf discloses wherein the activating means further comprises a telephone, wherein one of the plurality of patients that purchases one of the cards uses the telephone to contact a representative, and wherein the representative activates the card (col. 1, lines 3-8 and col. 2, lines 4-9 of Dorf; the Examiner interprets "operator" to be a form of "representative").

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Dorf within Conklin and Ushikubo. The motivation for doing so would have been for an easily and inexpensively deployed activating system (col. 2, lines 15-19 of Dorf).

15. Claims 45, 50, and 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin ("Debit-Card Style Health Services Coming to Town Prepaid Medical Services Offered In State by Columbia Chiropractic") as applied to claims 43-44, 48-49, and 51 above, and in view of Link, II et al. (US 6,526,273 B1).

Art Unit: 3626

(A) Referring to claim 45, Conklin discloses the step of tracking the plurality of prepaid healthcare consultations associated with each of the prepaid healthcare patient identifiers (para. 3 of Conklin; the Examiner interprets "one unit is deducted" to be a form of "tracking").

Conklin does not disclose the step of tracking including monitoring a remaining number of prepaid healthcare consultations and informing each of the plurality of patients when the remaining number of prepaid healthcare consultation is equal to or less than a predetermined number.

Link, II discloses the step of tracking including monitoring a remaining number of prepaid services and informing each of the plurality of users when the remaining number of prepaid services is equal to or less than a predetermined number (col. 1, lines 41-54 and col. 4, lines 17-21 of Link, II).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Link, II within Conklin. The motivation for doing so would have been to notify the user to re-charge the card when the balance is low (col. 1, lines 51-54 of Link,II).

(B) Referring to claim 50, Conklin does not disclose the step of recharging each of the plurality of prepaid healthcare identifiers by purchasing an additional plurality of prepaid healthcare consultations.

Link, II discloses the step of recharging each of the plurality of prepaid cards by purchasing an additional plurality of services (col. 1, lines 51-57 of Link, II).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Link, II within Conklin. The motivation for doing so would have been to allow customers to replenish their accounts (col. 1, lines 55-57 of Link, II).

(C) Referring to claim 52, Conklin does not disclose the step of monitoring a remaining number of the plurality of prepaid healthcare consultations and further including the step of informing each of the plurality of patients when the remaining number of the plurality of prepaid healthcare consultations is equal to or less than a predetermined number.

Link, II discloses the step of monitoring a remaining number of the plurality of prepaid services and further including the step of informing each of the plurality of users when the remaining number of the plurality of prepaid services is equal to or less than a predetermined number (col. 1, lines 41-54 and col. 4, lines 17-21 of Link, II).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Link, II within Conklin. The motivation for doing so would have been to notify the user to re-charge the card when the balance is low (col. 1, lines 51-54 of Link, II).

(D) Referring to claim 53, Conklin discloses the step of selecting at least one of a plurality of physicians from a network of physicians to provide at least one of the plurality of prepaid healthcare consultations to at least one of the plurality of patients (para. 3 of Conklin; the Examiner interprets "cardholder goes to one of the participating doctors" to be a form of "selecting at least one of a plurality of physicians from a network of physicians").

Art Unit: 3626

(E) Referring to claim 54, Conklin does not disclose recharging the at least one prepaid healthcare patient identifiers by purchasing additional prepaid healthcare consultations from a healthcare provider.

Link, II discloses recharging the at least one prepaid cards by purchasing additional services from a provider (col. 1, lines 51-57 of Link, II).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Link, II within Conklin. The motivation for doing so would have been to allow customers to replenish their accounts (col. 1, lines 55-57 of Link, II).

16. Claims 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin ("Debit-Card Style Health Services Coming to Town Prepaid Medical Services Offered In State by Columbia Chiropractic") in view of Link, II et al. (US 6,526,273 B1), as applied to claims 43-45 above, and further in view of Dorf (6,000,608).

(A) Referring to claim 46, Conklin and Link, II do not disclose the step of updating information on each of the plurality of prepaid healthcare patient identifiers regarding each of the plurality of patients.

Dorf discloses the step of updating information on each of the plurality of cards regarding each of the plurality of patients (col. 10, lines 16-32 of Dorf).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Dorf within Conklin and Link, II. The motivation

for doing so would have been to allow the forwarding of new medical information (col. 10, lines 26-32 of Dorf).

(B) Referring to claim 47, Conklin does not disclose the step of recharging each of the plurality of prepaid healthcare patient identifiers, the step of recharging the prepaid healthcare patient identifiers including the step of purchasing additional prepaid healthcare consultations.

Link, II discloses the step of recharging each of the plurality of prepaid cards, the step of recharging the prepaid cards including the step of purchasing additional prepaid services.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Link, II within Conklin. The motivation for doing so would have been to allow customers to replenish their accounts (col. 1, lines 55-57 of Link, II).

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied prior art teaches a method and system for providing a user-selected healthcare services package and healthcare services panel customized based on a user's selections (US 6,735,569 B1); a health monitoring and diagnostic device and network-based health assessment and medical records maintenance system (US 6,602,469 B1); a method and system for managing wellness plans for a medical practice (US 6,208,974 B1); a medical payment system (4,858,121);

Art Unit: 3626

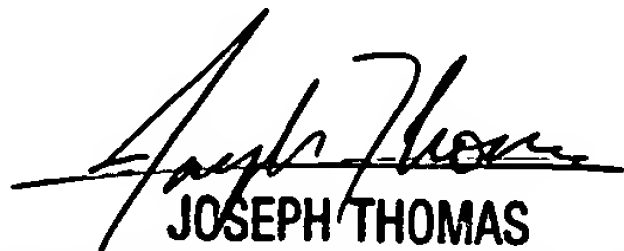
an appointment setting and payment system and method (US 2002/0059082 A1); a multifunctional card system (US 6,189,787 B1); an apparatus for processing "smart" cards (4,849,615); and debit cards that could only be used to buy medical services and prescriptions ("Intellimed Inc").

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lena Najarian whose telephone number is (703) 305-0260. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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